

Report on the

BOARD FOR REGISTRATION OF ARCHITECTS

Montgomery, Alabama



Department of Examiners of Public Accounts

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August 23, 2006

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

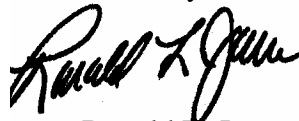
Dear Representative Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the **Board for Registration of Architects** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Board for Registration of Architects**, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Jones", written in a cursive style.

Ronald L. Jones
Chief Examiner

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PROFILE

Purpose/Authority

The Board for Registration of Architects was created in 1931 to license and regulate the profession of architecture in Alabama. The board examines and registers architects. The board's registration procedures are in accordance with standards set forth by the National Council of Architectural Registration Boards (NCARB) and by the board. The board's enabling statutes are found in the *Code of Alabama 1975*, Sections 34-2-30 through 34-2-42.

Board Characteristics

Members	6
Term	4 years. No term limits
Selection	Appointed by the governor
Qualifications	Licensed as architects by the board and must reside and have principal office in the district from which appointed.
Racial Representation	No statutory requirement No minority members
Geographical Representation	One member from the Southern District One member from the Northern District Two members from the North Central District Two members from the Central District
Consumer Representation	No statutory requirement
Other Representation	No statutory requirement
Compensation	\$200.00/day engaged in board business Travel expenses - same as for state employees Reimbursed for clerical expenses

<u>Operations</u>	
Administrator	Cynthia J. Gainey Executive Director Annual salary \$61,257.04 (set by the board)
Location	770 Washington Street Suite 150 Montgomery, Alabama 36104
Type of License	Registration of Architects – 2,255
Renewal	Annually, prior to October 1
Examinations	The NCARB Architect Registration Examination (A.R.E.) is developed by Chauncey Group International. The examination centers are operated by Thompson Prometric (formerly Sylvan). The multiple-part examination is administered on a continual basis. From 1/1/05 through 12/31/05, fifty-eight (58) candidates took 169 divisions of the Architect Registration Examination. Pass/fail statistics were not provided to the board.
Continuing Education	12 hours minimum annually
Reciprocity	The board may issue to an applicant without further examination, a certificate of registration as an architect, provided the applicant holds an unexpired certificate issued to him or her by the National Council of Architectural Registration Boards.
Employees	Executive Director – unclassified merit system Executive Secretary – classified merit system
Legal Counsel	Alyce S. Robertson, Attorney General's Office
Subpoena Power	Yes, both witnesses and records, <i>Code of Alabama 1975</i> , Section 34-2-39(b)

Internet Presence	www.boa.state.al.us - contains <ul style="list-style-type: none"> ▪ Online Renewal ▪ License Verification ▪ Law and Regulations ▪ Exam Information ▪ Fee Schedule ▪ Continuing Education ▪ Board Members ▪ Complaint Forms
Attended Board Member Training	Cynthia J. Gainey, Executive Director Renis O. Jones, Jr., Board Chair Joseph L. Bynum, Board Vice Chair Charles E. Penuel, Board Member
<u>Financial</u>	
Source of Funds	License and regulatory fees Penalties
State Treasury	Yes
Unused Funds	Retains unused balances for subsequent years' expenditures

INTERIOR DESIGN EXAM COMMITTEE

The Board for Registration of Architects is required by the interior design licensing law (*Code of Alabama 1975*, Section 34-15-7(c)(1) to appoint four members to serve on a committee, one of whom must be a professional engineer, for the purpose of developing a “sealed level” examination to be administered to persons applying to be licensed by the Board of Interior Design. [See Appendices] Although there is no specific requirement in the law for the board to compensate the appointees, the board in force the following four contracts to provide members for the committee.

NAME	START	END	COMPENSATION FOR PROFESSIONAL SERVICES	ADD'L FOR TRAVEL EXPENSES
Alice J. Irby Consultant Pinehurst, NC	8/23/05	9/30/07	\$1,000/day not to exceed \$30,000	Actual
Richard E Barrow Architect Birmingham, AL	8/22/05	9/30/07	\$200/day not to exceed \$6,000	Actual
Marzette Fisher Architect Birmingham, AL	11/1/04	12/31/06	\$200/day not to exceed \$4,000	Actual

William W. Herrin, Jr Architect Huntsville, AL.	11/1/04	12/31/06	\$200/day not to exceed \$4,000	Actual
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According to the executive director, there was also a contract with Frank Cater (expired September 30, 2005) to provide an engineer for the committee at a cost of \$200/day not to exceed \$6,000. The board is required by the *Code of Alabama 1975*, Section 34-15-7(c)(1) to appoint an engineer to the committee.

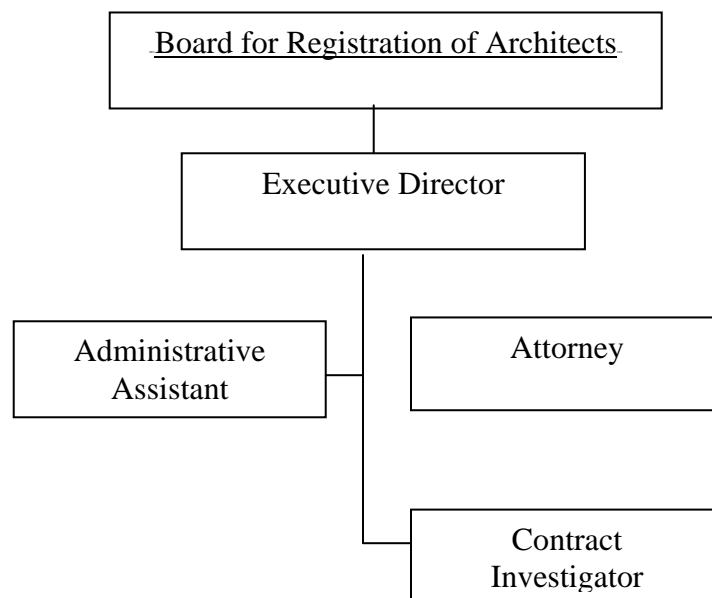
SIGNIFICANT ITEMS

No significant items

STATUS OF PRIOR FINDINGS

All prior findings have been resolved.

ORGANIZATION



PERSONNEL

Title	Status	Number	Race	Gender
Executive Director	Unclassified Merit System	1	White	Female
Administrative Assistant	Classified Merit system	1	White	Female
Investigator (1)	Contract	1	White	Male
Total		3		

(1) Utilized on an “as needed” basis at the rate of \$40/hr plus travel expenses paid at the same rate as state employees.

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee – 1,128

Total Expenditure per Licensee (2004-2005 fiscal year) - \$138.37

Number of Persons per Licensee in Alabama and Surrounding States

State	Population (Estimate)	Number of Licensees	Persons Per Licensee
Alabama	4,557,808	2,255	2,021
Florida	17,789,864	8,527	2,086
Georgia	9,072,576	4,663	1,946
Mississippi	2,921,088	1,472	1,984
Tennessee	5,962,959	3,321	1,796

Notification to Licensees of Board Decisions to Amend Administrative Rules

The board complied with procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly and public hearings on proposed rules. When a proposed rule is important to its licensees, the board notifies the licensees directly.

Complaint Resolution

The board accepts only written complaints but does not require the complaints to be signed. Some complaints are resolved within two to three weeks by correspondence. Other complaints require more investigation, which can result in administrative hearings. The time of resolution of the complaints varies, depending on the allegations, generally between two and seven months.

The number of complaints received and resolved for the past four years are:

Fiscal Year	Number of Complaints	Complaints Resolved	Average Length of Time to Resolve (Months)
2004/05	37	121	5
2003/04	16	142	4
2002/03	21	180	3
2001/02	22	123	1

Complaint Process

Investigations performed by	Executive Director (Administrative Processing) Legal Counsel (statutory considerations) Board Member Investigator
Initial Documentation	The board requires a written complaint, but the signature of the complainant is not required. The board supplies “Report of Possible Violation” form to the public to assist in filing the complaint.
Disposition of complaint if formal hearing not held	If the investigative committee (legal counsel, board member, executive director) determines there is no necessity for further investigations, based on the investigative committee’s report(s), the investigative committee members will either decide that there is <i>No probable cause</i> or a <i>Lack of evidence</i> and dismiss the complaint. If it is determined that there is cause but the complaint can best be resolved by communication, a letter of compliance requirements is sent to the violating party. Also, if there is a violation of the Board’s statutes/rules/code of conduct, settlement agreements are typically offered to the respondent in resolution of the case. If rejected, cease and desist orders may be issued.
How Anonymous Complaints are addressed	The board accepts all written complaints, including those filed anonymously.
Investigating board member’s status during hearing	Any board member involved in the investigation process is required to recuse himself from the hearing process in any capacity other than as a witness.

SMART BUDGETING

The Board for Registration of Architects has implemented a statewide strategic planning system as required by the Governor. The board has developed a Strategic Plan Summary that identifies the agency's mission, purpose, multi-year goals, a vision for the future and a level plan of how they will achieve the stated goals. The board has also submitted a Quarterly Performance Report [see appendices] that compares actual accomplishments to accomplishments planned.

FINANCIAL INFORMATION

Schedule of Fees

	<i>Statutory Authority</i>	<i>Amount</i>
APPLICATION FEES		
Alabama	§ 34-2-33(a)	\$10.00
NCARB Reciprocal		\$150.00
Reinstatement	§ 34-2-33(g)	\$360.00
RENEWAL FEES		
Renewal Fee	§ 34-2-33(f)	\$135.00
Late Renewal Fee	§ 34-2-33(f)	\$75.00
EXAMINATION FEES		
Multiple Choice Divisions:		
Pre-Design	§ 34-2-33(a)	\$102.00
General Structures	§ 34-2-33(a)	\$102.00
Lateral Forces	§ 34-2-33(a)	\$102.00
Mechanical & Electrical Systems	§ 34-2-33(a)	\$102.00
Materials & Methods	§ 34-2-33(a)	\$102.00
Construction Documents & Services	§ 34-2-33(a)	\$102.00
Graphic Divisions:		
Site Planning	§ 34-2-33(a)	\$153.00
Building Planning	§ 34-2-33(a)	\$153.00
Building Technology	§ 34-2-33(a)	\$153.00
MISCELLANEOUS FEES		
Certificate Replacement		\$25.00
Printing Fee for Roster of Licensees		\$10.00
Mailing Labels		\$25.00
Mailing List on Diskette		\$25.00
Administrative Fines (Minimum-Maximum)	§ 34-2-34(2)	\$100-\$25,000

Schedule of Cash Receipts, Disbursements, and Balances
October 1, 2001 through September 30, 2005

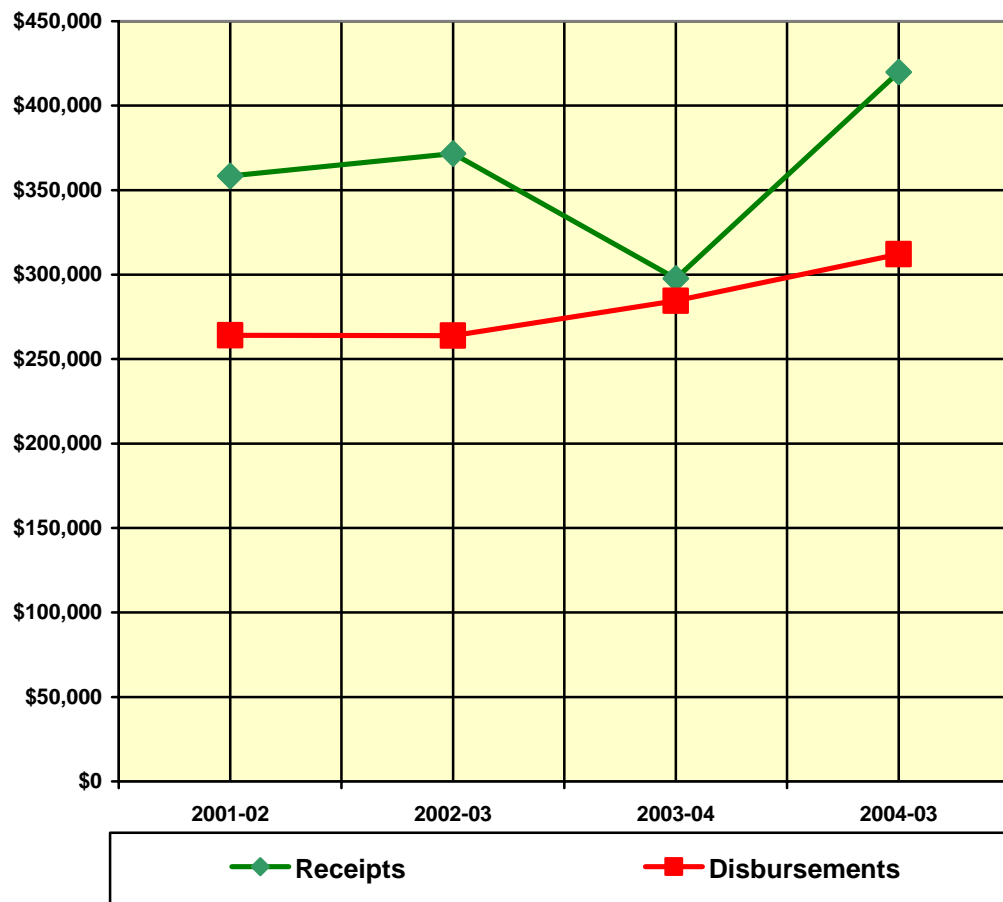
	<u>2004-05</u>	<u>2003-04</u>	<u>2002-03</u>	<u>2001-02</u>
<u>Receipts</u>				
License Fees (1)	\$420,005.00	\$297,694.47	\$371,599.56	\$358,509.75
<u>Disbursements</u>				
Personnel Costs	119,166.85	111,867.78	112,407.78	102,697.76
Employee Benefits	28,462.96	25,139.58	23,851.84	21,734.45
Travel-In-State	6,331.23	5,793.30	6,012.76	4,838.20
Travel-Out-of-State	16,673.30	14,631.49	20,164.80	22,544.77
Repairs and Maintenance	82.59	165.00	-	-
Rentals and Leases	37,902.43	38,255.20	34,622.28	33,212.45
Utilities and Communications	10,853.20	7,596.25	9,487.48	9,371.03
Professional Services	31,563.85	26,787.57	18,091.47	14,471.17
Supplies, Materials and Operating Expenses	30,164.71	24,270.26	21,230.83	19,218.69
Grants and Benefits (2)	30,000.00	30,000.00	18,000.00	30,000.00
Other Equipment Purchases	822.18	-	-	6,053.14
Total Disbursements	312,023.30	284,506.43	263,869.24	264,141.66
Excess (Deficit) Receipts over Disbursements	107,981.70	13,188.04	107,730.32	94,368.09
Cash Balance at Beginning of Year	506,128.55	492,940.51	385,210.19	290,842.10
Cash Balance at Year End	614,110.25	506,128.55	492,940.51	385,210.19
Reserved for Year-End Obligations	(46,019.37)	(51,086.28)	(49,997.07)	(184,215.68)
Unobligated Cash Balance End of Year	\$568,090.88	\$455,042.27	\$442,943.44	\$200,994.51

(1) The decrease in receipts in the 2003-04 year resulted from a change in the timing of deposits at the end of the fiscal year. A change in procedures due to implementation of online license renewal caused amounts received at the end of the 2003-04 fiscal year to be deposited at the beginning of the 2004-05 fiscal year.

(2) The *Code of Alabama 1975*, Section 34-2-41 provides that the board may make donations to accredited schools of architecture (Auburn and Tuskegee). During the period presented, the following grants were made:

	2004-05	2003-04	2002-03	2002-03
Auburn	\$30,000	\$20,400	\$18,000	\$24,300
Tuskegee	\$0	\$9,600	\$0	\$5,700
Total	\$30,000	\$30,000	\$18,000	\$30,000

Operating Receipts Vs Operating Disbursements (Chart)



QUESTIONNAIRES

Board Member Questionnaire

Questionnaires were mailed to six board members. All six responded.

Question #1

What is the most significant issue currently facing the Board for Registration of Architects?

- Allowing graduates of architecture programs the ability to take the registration exam prior to completing IDP (intern development program) and how that affects reciprocity in other jurisdictions.
- Allowing an intern to begin taking a section of the architectural registration examination concurrently with completing the requirement of the NCARB intern development program – after graduation from an accredited architectural school.
- Alabama Interior Design Act allowing increased practice authority from interior designers, thereby compromising public health, safety and welfare standards we enforce (through registration and regulation).
- Allowing a candidate to take the national exam or parts of the exam prior to their completing their I.D.P. to become a registered architect in Alabama to receive an N.C.A.R.B. certificate.
- The Alabama Board is currently reviewing the timing of when a qualified graduate will be allowed to take national registration exam. Currently completion of a three year internship is required. Board may allow portions of exam which are more academic based to be taken closer to graduation.
- Compliance with the law regarding the health/safety/welfare of our citizens.

Question #2

What is the board doing to settle this issue?

- We are working closely at the regional and national level to assess the vulnerability to the public if this is a health, safety and welfare issue.
- Gathering information from NCARB & from other registration boards in our region. Comparing notes and working together to compose a policy in the interest of the citizens of Alabama.

Board Member Questionnaire

- Currently, we are in a “wait and see” mode because of pending litigation which challenges the Interior Design Act.
- We are currently debating the issues involved and working with the national board of N.C.A.R.B. to come to an agreement.
- The Board is currently evaluating data developed by the National Council of Architectural Registration Boards (NCARB). The Board will evaluate any impact on the health, safety and welfare as it reviews this data.
- We maintain an ongoing investigation/enforcement effort through our staff.

Question #3

Is the board adequately funded?

6 Yes _____ No No Response

Question #4

What is the purpose of your fiscal year end fund balance?

- “Rainy Day” funds and funds for subsequent liabilities.
- To insure that the Board can continue to operate to protect the public in case of some unusual occurrence - a “Rainy Day” fund.
- A) To be fiscally responsible by having sufficient reserves that would allow us to operate after an unexpected disaster.
- B) To respond to public health, safety and welfare issues associated with the built environment.
- To provide a “rainy Day” fund and to allow funds for contingent liabilities.
- Allow adequate funding of investigations of complaints and contingent liabilities.
- To take care of the variation in our operating/cash flow/funding sources.

Question #5

What changes in Alabama laws regulating the practice of architecture would you recommend?

- We currently do not enforce our law as it relates to corporate practice and need to eliminate the certificate requirement from our law. We need to change ownership

Board Member Questionnaire

and firm name requirements to match how the majority of businesses in our state structure their practice.

- To revise corporate & naming provisions in our law which tend to restrict the market place, but have little if anything to do with protecting the health, safety & welfare of the public. Also to add provisions to restrict practice by non-registrants.
- I would change the firm name requirements.
- To eliminate a corporate practice certificate from our law. To amend the ownership requirements for firms and to modify the naming requirements for firms.
- The Board would review and propose changes to the language related to corporate practice certificates, naming requirements for firms and broadening of ownership criteria.
- Our Board is exploring several ideas which may be forwarded later for consideration.

Licensee Questionnaire

Questionnaires were mailed to one hundred licensees. Fifty-seven responded.

Question #1

Do you think regulation of architects by the board is necessary to protect public welfare?

54 Yes 3 No _____ Unknown _____ No Opinion

- This is consistent with all other states' laws, and is the same as is the public policy behind the practice of medicine, law and engineering
- Encroachment and performance of the Architectural duties/services of project management, facility (including grounds and building) design and engineering, interior design, and landscaping, by others- These are the duties of the Architect unless the Architect chooses relinquish them and enlist an additional professional. The Alabama ARE Board had in the professional manual for Architects verbiage that allowed the Architect the professional responsibility to decide when other design professional were necessary. This ahs been eliminated and replaced with verbiage that mandates that an engineer must be enlisted for engineering for an Architectural project. A building of substantial size, unusual type or function and the defined site on which it sits, along with all its support structures, functions and services, utilities, attachments and connections is Architecture. People are best served and protected when it is put upon a singular lead professional – the Architect, to decide if additional expertise is necessary to design any part of the facility or to provide construction documents. Architects are the first surveyor, first engineers, first interior designer, first landscape designer and first project manager. The Architect as a professional is going to protect him self, the profession and the client by requiring other design professionals if he does not feel he has adequate expertise; especially if there is any complication to the facility. Architects recognize quickly if an additional expertise is required or preferred. Is it not left to the contractor to decide if specialized sub contractors are required unless specifically specified? It is best left to the Architect to decide if additional research and design professionals are necessary. Does a Medical Doctor General practitioner not decide on his limits of medical service? A better service and facility results; and the public agenda and safety is better served if the Architect is allowed the professional responsibility of his limitations. The verbiage should be changed back to the more than adequate previous reading

Question #2

Do the laws, regulations, and policies regulating architects in Alabama constitute any unnecessary restriction on the profession?

15 Yes 39 No 3 No Response

- No, they are the minimum necessary to provide competent practice
- On small commercial projects where minor electrical, plumbing, & HVAC work is required. A better definition of “incidental to the architecture” needs to be prepared.
- Excessive Bureaucracy – Architecture is a continuing education by its nature – Continuing education is not necessary. NCARB point system is laborious and not necessary. Architects are not the educators.
- No statute of limitations
- Having to notify the Board if/when you will not be doing construction administration.
- To explain, in the last few years, the board has redefined the practice of architecture by the addition of board regulations and policies which restrict architectural practice beyond the scope of the Architects Registration Act. The effect is to force architecture to be practiced by large firms employing groups of engineers that do the traditional work of architects. This eliminating the small architectural firm and is an unjustified restraint of trade.

Question #3

Are you satisfied with your dealings with the board?

48 Yes 3 No 6 No Response

- Prosecution for the unauthorized practice of architecture could be stronger
- Poor Communication and Scheduling Commitment by the Board – Schedule the meetings for the year and notify Architects – Provide advance notice and explanation of changes in policy or regulation considerations, and invite commentary and survey on these decisions.
- With one exception, have had no direct dealings with the board since I gained my license in 1973. I was not happy with that experience. Otherwise, I have no complaints. (My experience did not involve any disciplinary action.)
- I was notified that I was under investigation, but the information given me was limited to such an extent that I was not able to understand what act I was guilty of performing. When I requested additional information, the Director and the Board’s appointed attorney would not give me or my attorney access to the complaint or explain the act that required censure. This continued for months. I went through 2 visits to the Board office, letters of request and 2 days of disciplinary hearings. After additional weeks of waiting, the board’s decision was given in writing and still did not explain what act of violation I performed.

I believe my violation was based on unwritten board policies concerning how architects should use engineers. After my case the board published a statement on the use of engineers, but never explained how they interpreted it to apply to my situation.

To summarize my experience; I believe the staff, especially the Director and appointed attorney, do not understand the practice of architecture on a level at which they can communicate properly with the licensees. I recommend the Director be an experienced licensed architect as has previously been the case.

I believe the practice of using attorneys appointed by the attorney general's office causes loss of continuity. A better process would be to retain a private attorney to represent the Board who, by his practice, can become an expert in this part of the law. An example of this problem is the Mississippi Board's attorney situation where a private, experienced attorney of many years has been replaced 3 or 4 times by inexperienced assistants from their Attorney General's office. I recommend you contact the Mississippi Board's Secretary.

Question #4

Are you adequately informed of changes to the rules and laws concerning the practice of architecture in Alabama?

50 Yes 4 No 2Unknown 1No Opinion

- No or poor communication with Professional Architectural Education Officials and subsequent reduced Architectural education quality – Institutions are training Architects for making pretty pictures and to draft for five years.
- I believe the problems that I have experienced stem from poor communication and unwritten Board policies that are not supported by the Architect Registration Act. These policies are often unpublished and as noted, unexplained. By Board policy the regulation the regulations are unwritten and when a violation occurs, the policy is to have no contact with the accused architect. In my case this extended to not explaining the offense!

Question #5

Did the board perform your licensing or renewal process in a timely manner?

57 Yes _____ No

- Excessive exemptions of the requirements of use of an Architect because of square footage, use or party for which the facility is designed – Building for a variety of uses are being conducted just under the square footage limit or in phases. This limit should be reduced. Frequency of visitation, not just use of the building should define the necessity of use of an Architect – I mean retail spaces. If the standard for housing construction is going to be such an esteemed and serious organization as the IBC, then should there not be a requirement of the use of an Architect for housing complete the seriousness of the standard construction of homes.

Question #6

Do you consider mandatory continuing education necessary for the competent practice of architecture?

36 Yes 18 No 3 No Response

- Absolutely, the same as is required of engineers, attorneys and physicians
- Not necessary, but definitely of value.
- Lack of proactive policing (Field Agents) of the profession – People are pretending to be Architects and if not using the title “Architect”, their work and/or job descriptions are inclusive of Architectural duties/services. The State of Alabama Personnel Department has and still does this. Some of the job descriptions it has written are those of an Architect but an Architect is not being hired. There should be field agents patrolling for these violations and doing regardless of who is violating the rule. Why are the “landscape architects” allowed to use the title Architect!

Question #7

Has the board approved sufficient providers of continuing education to ensure your reasonable access to required continuing education hours?

42 Yes 2 No 5 Unknown 8 No Response

- Secretive, or at least failure to reveal openly, budget and expenditures – There appears to be some unnecessary or extravagant expenditures by the Board.
- Not familiar with the Board approving any providers.

Question #8

What do you think are the most significant issues currently affecting the practice of architecture in Alabama?

- Compensation; liability
- Code growth & restraints i.e. too many codes to follow
- Not regulating engineers from practicing architecture
- No comment
- Code standardization
- Dealing with unlicensed individuals practicing architecture
- States current fee structure is outdated and has not been updated for today’s business environment
- Erosion of fees; inadequate salaries
- Laws & regulations affecting practice of foreign corporations overly restrictive (34-2-37) which requires all stockholders to be registered architects in Alabama

- An unduly long time before the statute of repose and limitation of liability is in effect. Also, encroachment into architectural practice by interior designers trying to restrict our practice
- (1) Lack of knowledgeable building inspectors (2) Slack enforcement of building laws in rural cities (3) Licensed contractors by passing architectural involvement
- (1) Too much building design being done by unlicensed persons (2) A standard basic fee scale needs to be implement so professional work cannot be “bid-out” for lowest price (Forces architects to cut corners to compete and not to do as thorough job as required.
- Interior designers should not be allowed to design building or stamp plans currently required to be stamped by an architect
- Lack of education of architects of how buildings are physically built. Schools only teach theory
- The ability to be a registered design professional should not be extended to interior designers as they lack the education’ structural, electrical and mechanical equipment training and curricular to be adequately, sufficiently competent to be the design of record on a commercial building. Also should promote adopting and designs to newest codes.
- Interior designer registration – I.D. practitioners do not have the necessary training and education required of architects, and to allow them to stamp drawings and specifications is a danger to the public health, safety and welfare.
- I practice residential architecture in the city of Birmingham and the main issue I have is getting residential inspectors to understand that I am licensed by the state to make competent decisions to address simple structural issues and code interpretation.
- Construction managers coming between architects and owners. CM also generates fast tract projects which lead to “holes” in documents as well as multiple prime contractors & warranty issues.
- Design Building Construction Companies; low architectural salaries and 5 year college curriculum (should be reduced to 4 years, 5 years for master degree.
- Examination is too easy & people who are not fully competent are becoming registered.
- Understanding & implementing the new IBC
- Contractor led Design-Build, which often limits coordination, oversight, code compliance
- Assistance for small firms.
- Encroachment of interior designers on the practice of architecture
- Builders, engineers, and interior designers are attempting to practice architecture.
- Clients using architects to stamp an existing design or the design of another who is not a registered architect
- Unlicensed practice
- Inadequate unqualified management and leadership. The person managing the board should be educated and licensed Architect that has experienced the challenges and dilemmas of providing quality Architectural services in a small to midsize office; and preferably has the legal and administrative training and experience. The person now at this position has done the job moderately well

within their qualifications. However not only is that the person is not completely qualified, it appears the agenda of that person is unfortunately like so many State administrators, not how I serve the public better but how can I make my job easier and more profitable.

- Varying code compliance requirements from place to place in the state.
- The legal claim statute of limitations should be reduced to three years. Newly licensed architects should be granted a limited practice license.
- The issues of yesterday's practice remain the issues of today and both are related.
(1) Burdensome requirements – education, IDP, financial – on the young intern architect (2) Disproportionate liability for the professional compared to realize remuneration.
- (1) Design/build (2) construction managers on projects.
- Reduce statute of limitations
- Having to compute continuing education requirements for both Alabama and the A.I.A.
- Building officials accepting plans stamped by engineers that would normally be an architects responsibility – primarily metal building companies
- Engineers practicing architecture!
- (1) The unreasonable long liability period in the statute of repose (2) Lack of a consistent state-wide bldg. code and enforcement process.
- The selection of architects through the competitive bidding of fees.
- The licensure of interior designers their ability to make architectural designs
- As an architect for some 30 years with licenses in multiple states I am concerned that this Board's policies differ with from all other states and are not even in compliance with the Alabama Registration Law. Current Board policy limits the practice of architecture to professional engineers or only architects working with the approval of professional engineers. This is a radically different view of the profession I entered 40 years ago. Most importantly, it is unprecedented in other states.
- The interior design registration law. Interior designer does not affect the health, safety & welfare of the public. Certification is the proper qualification means for interior design.
- We practice in Alabama currently and have no issues.
- Interior designers – Registration

Question #9

What is the board doing to address the issues?

- Nothing
- Nothing
- Very little in SW Alabama
- ?
- I don't know
- Good question... but I believe its the states building commission that has the power to help architect on this matter, before the states legislature

- Not much
- ?
- ?
- Progress is being made and persons who practice illegally are being prosecuted but fines are not enough to generally stop the illegal work
- Unknown
- Nothing
- I have not heard of any efforts to address these issues by the board
- Nothing now. This is a legislative issue
- I do not know of any action they are taking
- Nothing to my knowledge
- Not much
- We need more seminars of CEU longer than 1 hour duration to go over the ins & outs of the IBC
- Not Known
- Actively combating this encroachment
- Assure that architecture is practiced by registered architects with formal training from accredited degree programs are practicing architecture.
- Don't know
- Encroachment and performance of the Architectural duties/services of project management, facility (including grounds and building) design **and engineering**, interior design, and landscaping, by others- These are the duties of the Architect unless the Architect chooses relinquish them and enlist an additional professional. The Alabama ARE Board had in the professional manual for Architects verbiage that allowed the Architect the professional responsibility to decide when other design professional were necessary. This has been eliminated and replaced with verbiage that mandates that an engineer must be enlisted for engineering for an Architectural project. A building of substantial size, unusual type or function and the defined site on which it sits, along with all its support structures, functions and services, utilities, attachments and connections **is Architecture**. People are best served and protected when it is put upon a singular lead professional – the Architect, to decide if additional expertise is necessary to design any part of the facility or to provide construction documents. Architects are the first surveyor, first engineers, first interior designer, first landscape designer and first project manager. The Architect as a professional is going to protect him self, the profession and the client by requiring other design professionals if he does not feel he has adequate expertise; especially if there is any complication to the facility. Architects recognize quickly if an additional expertise is required or preferred. Is it not left to the contractor to decide if specialized sub contractors are required unless specifically specified? It is best left to the Architect to decide if additional research and design professionals are necessary. Does a Medical Doctor General practitioner not decide on his limits of medical service? A better service and facility results; and the public agenda and safety is better served if the Architect is allowed the professional responsibility of his limitations. The verbiage should be changed back to the more than adequate previous reading. (2) Excessive Bureaucracy – Architecture is a continuing education by its nature –

Continuing education is not necessary. NCARB point system is laborious and not necessary. Architects are not the educators. (3) Poor Communication and Scheduling Commitment by the Board – Schedule the meetings for the year and notify Architects – Provide advance notice and explanation of changes in policy or regulation considerations, and invite commentary and survey on these decisions.

- Not aware of anything.
- I don't know.
- -Unknown-
- Don't know
- They will address but it takes them so long that it is not very effective.
- Evidently not enough because it (engineers practicing architecture) is widespread and done on a daily basis.
- I am unaware of any positive action on the part of the board that actually had any real influence on the situation. (competitive bidding of fees) I have been inactive professionally since late 2003. I intend to maintain my registration, however.
- Not sure.
- To my knowledge, nothing
- Opposing passage of such a law (interior design) in the state legislature
- Talking w/I.D. & lawmakers

Question #10

Please feel free to discuss any matters of concern to you not addressed by the questionnaire.

- Continuing education is a burden
- Continuing ed should be waived for architects 60+ yrs old
- n/a
- Our Board generally does a very good job
- Too many municipalities either have obsolete building codes or no enforcement and reviews. Churches in the county have no oversight except by the State's Fire Marshall's Office. Building departments should require submission, review approval and inspection of all commercial and residential construction, in accordance with the latest NFPA and ICC codes adopted statewide as they are published by the NFPA and the ICC.
- This may have to do with the educational institutions as well but.... The full computerization of the examination process is allowing people who can not draw to become registered. A person should be able to draw with some level of artistic ability in order to become a registered architect.
- The state and national CEU requirements need to be streamlined to be consistent w/one another. However, if one meets his state requirements that should suffice. This is more of an AIA issue than the State Board.
- Extended liability in the state of Alabama for a structure design by an architect
- The initial license should be limited to small simple buildings for three to five years. The internship doesn't provide adequate experience for complex structures.

After 3 to 5 years of practice, the board should review the qualifications for a higher level license.

- I am concern when a government body requires the governed to police themselves for violators of rules & regulations set by the governing body. This sets the stage for the stronger and more financially secure to legally harass the competition based on presumed guilt of harming the public health safety or welfare whether the public was actually harmed or not.
- Alabama statute of repose is one of the longest in the US (13 years). I think it should be reduced to 6 – 10 years maximum.
- In my experience with the Alabama Board I noted several problems with their ability to handle violations and do accurate investigative research. They also have problems in communicating their findings and polices with the architects. I believe it would be useful to study the violation review process being used by Florida's Board.
- I enjoy my clients we have in Alabama.
- More diversity on Board

Complainant Questionnaire

Questionnaires were mailed to fifty complainants. Thirty responded.

Question #1

Did the Board for Registration of Architects acknowledge the receipt of your complaint?

Yes 29 No 0 No Response 1

- This is the only thing I think they did do!
- Non-licensed person using licensed architects paper designed a structure that failed and in my opinion was life threatening.

Question #2

Did the board resolve your complaint in a timely manner?

Yes 23 No 5 No Response 2

- Not only are they not punctual but they don't even keep you abreast.
- I guess. Was he punished?
- Have not heard from them
- We were not advised of any resolution! (July 05 – present).
- No. We submitted what we considered evidence of incompetence. We included the architect's final bill for completion and the statement from him that the plans were complete. The architect stated to us that the plan he had drawn would be accepted by the County because the plans were drawn by an architect. We pointed out the gross errors to the Board of Registration. The Board chose to ignore our complaint and never contacted us again.

Question #3

Were you satisfied with the Board for Registration of Architects efforts to resolve your complaint?

Yes 17 No 10 No Response 3

- Terrible
- I don't know what they discovered. Was the architect who stamped the drawing punished? If not, why?
- Don't know
- I have absolutely no problem with the way the Alabama State Board of Architects answers and acknowledges any complaint, which I have sent them. The Director and staff are very professional and timely in their response.

Complainant Questionnaire

- The complaints, which I have sent to the Board through the years, are always about a non-registrant claiming to be a registered architect. The non-registrant is referenced in a magazine or newspaper as a registered architect. It is usually the same people doing it over and over. Their defense is usually, **“Well I never said that I was an architect, they just assumed it and printed it.”** After the publication has circulated to the public, the damage has been done. I usually send a complaint only after I see the same individuals doing it time after time. Non-registrants who do this cheapen our profession of architecture. They unscrupulously project a level of service to the public, which they cannot provide.
- My disappointment in the process is that there is little the State Board can do to non-registrants, which claim to be architects. They seem to be given a verbal warning and proceed to do the same thing again and again....I would re-write the law to provide stiffer fines for repeat offenders... wouldn't you penalize someone severely if they claimed to be an attorney or physician and were not....
- The resolution amounted to a “mild slap on the hand” and in my opinion will not change the way the design build firm operate in the future.
- The director & the investigator were very professional & helpful.
- Another architectural firm was claiming that they were the architect for several of our projects and were using photographs which we paid for in their promotional materials. Board declined to act.
- No. The Board did not make an honest effort in resolving our complaint. The Architect told the Board that the plans were not complete at the time he gave them to us and that was the reason for the errors and omissions. The Board never made an effort to contact us or to resolve this issue. Having many years in the residential construction business, I found that the errors were very obvious and should have been obvious to anyone with a high school draftsman's course that the dimensions didn't work and structurally the plans were not sound. The Board made no effort to contact us regarding the issue of whether the plans were final or not. They took the word of the Architect even though we had been billed for final plans which usually mean that the plans are complete.

Question #4

Was there anything else the board could have done to better resolve your complaint?

Yes 10

No 17

No Response 3

- Better communication and enforcement of laws.
- Excellent attention.
- I don't know. They could tell me who the architect was who stamped the drawings after they were drawn.
- Don't know. I have been wondering what has happened.
- I appreciate the efforts and professionalism of the Architectural Board in handling my complaint.

Complainant Questionnaire

- We did not receive a response to the complaint.
- I did not feel the Board's investigation was vigorous enough. The facility as constructed may have some features which compromise the public's safety which may have resulted from deficiencies in design or contract administration.
- Call the persons listed in my complaint who had special knowledge regarding the complaint.
- Board could have process for appeal.
- (1) Protect the interests of general public i.e. health, safety, welfare. (2) Advise all parties of the findings. (3) Address each issue with a response. Either the Board agrees or does not agree based upon their findings PLEASE ADVISE ACCORDINGLY.
- Yes, it is scary to me that the Board would allow this man to call himself an architect. After conferring with the city and county building officials, I learned that as long as the architect is registered with the State of Alabama and he certifies the drawing, the city and county must, by law, accept them even though the building officials recognize that there are major structural defects in the plans. Architects should be governed closer and the Board should pay attention to a complaint from a customer. My wife and I are not habitual complainers. I had over 20 years experience in the building industry with over 200 homes built and sold. My wife is a practicing attorney in Mobile. We have discarded this architect's plans and elected to go with another architect's plans due to the problems in these plans. This has cost us a great deal of time and money. We feel very strongly that this man should not be allowed to call himself an architect in any state.
- I have no desire to communicate with your office.

APPENDICES

Architects Licensing Law

CHAPTER 2. ARCHITECTS.

REFERENCES

CROSS REFERENCES

As to landscape architects, see §§ 34-17-1 et seq.

As to licenses for architects, see § 40-12-48.

ADMINISTRATIVE CODE

1 Ala. Admin. Code 100-X-1-.01 et seq., Board for Registration of Architects.

2 Ala. Admin. Code 170-X-3-.01 et seq., Building Commission; Rules for Submitting Plans and Specifications to the Technical Staff.

2 Ala. Admin. Code 170-X-4-.01 et seq., Building Commission; Employment of Design Professionals for Projects Supervised and Administered by the Commission.

21 Ala. Admin. Code 822-X-2-.05, Safe State Environmental Programs; Accreditation of Individuals Engaged in Asbestos-Related Activities.

ANNOTATIONS

1. Generally

State in exercise of police power may regulate practice of architecture. State ex rel. Attorney General v. Spann, 270 Ala. 396, 118 So.2d 740 (Ala.1959). Licenses 5

§ 34-2-30. Definitions. [Annotations](#)

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed by this section:

(1) Architect. An individual who is legally qualified to practice architecture.

(2) Practice of architecture. When an individual holds himself out as able to render or when he does render any service by consultations, investigations, evaluations, preliminary studies, plans, specifications, contract documents and a coordination of all factors concerning the design and observation of construction of buildings or any other service in connection with the design, observation or construction of buildings located within the boundaries of the state, regardless of whether such services are performed in connection with one or all of these duties, or whether they are performed in person or as the directing head of an office or organization performing them.

(3) Practice architecture or practicing architecture. Performing or doing, or offering or attempting to do or perform any service, work, act or thing within the scope of the "practice of architecture."

An individual shall be construed to hold himself out as practicing architecture when, by verbal claim, sign, advertisement, letterhead, card or any other way, he represents himself to be an architect with or without qualifying adjective, or when he implies that he is an architect through the use of some other title.

(4) Building. A structure consisting of foundation, walls or supports and roof, with or without other parts.

(Acts 1979, No. 79-676, p. 1198, § 1.)

ANNOTATIONS

1. Generally

Alabama State Board for Registration of Architects is statutorily responsible for testing and licensing applicants for the practice of architecture. *Munger v. State Bd. for Registration of Architects*, 607 So.2d 280 (Ala.Civ.App.1992).

2. Architect

Whether unlicensed consultant's work was in the nature of that of a "general contractor" and "architect," which would have established nonlicensure defense in consultant's action against employer for breach of contract and for account stated, was a question for jury; substantial evidence indicated that parties envisioned consultant's work only as representing employer in its dealings with bankers, architects, and contractors, and there was no evidence tending to show that consultant would have been personally responsible for ensuring completion of projects. *Central Alabama Home Health Services, Inc. v. Eubank*, 790 So.2d 258 (Ala.Civ.App.2000), rehearing denied. Licenses 39.43(2)

§ 34-2-31. Declaration of policy; chapter liberally construed; compliance with chapter required.

Architects and the practice of architecture are hereby declared to affect the public health, safety and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the architectural profession merit and receive the confidence of the public and that only qualified architects be permitted to practice architecture in the State of Alabama. All provisions of this chapter relating to the practice of architecture shall be liberally construed to carry out these objects and purposes.

In order to safeguard life, health and property, and to promote the public welfare, no person shall practice architecture in this state, or use the title "architect" or any title, sign, card or device to indicate that such person is practicing architecture or is an architect unless such person shall thereafter comply with the provisions of this chapter.
(Acts 1979, No. 79-676, p. 1198, § 2.)

§ 34-2-32. Registered architect's services required; employees; exemptions; interprofessional privileges between architects and professional engineers. [References](#) [Annotations](#)

(a) Nothing contained in this chapter shall prevent:

(1) Employees of registered architects from acting under the instructions, control or supervision of their employers; or,

(2) The employment of superintendents of the construction or alteration of buildings.

(b) No person shall be required to register as an architect in order to make plans and specifications for or administer the erection, enlargement or alteration of any building upon any farm for the use of any farmer, irrespective of the cost of such building, or any single family residence building or any utility works, structures or building (provided that the person performing such architectural works is employed by an electric, gas or telephone public utility regulated pursuant to the laws of Alabama or by a corporation affiliated with such utility), or of any other type building(s) which has a total area of less than 2,500 square feet and is not intended for assembly occupancy, except schools, churches, auditoriums or other buildings intended for the assembly occupancy of people.

(c) The services of a registered architect shall be required on all buildings except those hereinabove exempted and no official of this state or of any city, town or county herein charged with the enforcement of laws, ordinances or regulations relating to the construction or alteration of buildings, shall accept or approve any plans or specifications that are not so prepared.

(d) Nothing in this chapter shall prevent registered professional engineers or their employees or subordinates under their supervision or control from performing architectural services incidental to their engineering practice. Nothing in this chapter shall prevent registered architects or their employees or subordinates under their supervising control from performing engineering services incidental to their architectural practice.

No professional engineer shall practice architecture or use the designation "architect" or any terms derived therefrom unless that individual is registered pursuant to this chapter. No architect shall practice professional engineering or use the term "engineer" or any term derived therefrom unless that individual is also qualified and registered as an engineer.

(Acts 1979, No. 79-676, p. 1198, § 3; Acts 1987, No. 87-544, p. 830, § 3.)

REFERENCES

ADMINISTRATIVE CODE

12 Ala. Admin. Code 485-X-8-.01 et seq., Board of Registration for Interior Designers; Practice Requirements.

LIBRARY REFERENCES

American Digest System:

Licenses 11(1).

Corpus Juris Secundum:

C.J.S. Architects §§ 2-3, 68; Licenses § 34.

RESEARCH REFERENCES

Forms

Am. Jur. Pl. & Pr. Forms Architects § 3, Statutory References.

Treatises and Practice Aids

Bruner and O'Connor on Construction Law § 16:10, Licensing Design Professional -- Architecture vs. Engineering.

ANNOTATIONS

1. Generally

It is within the scope of legislative authority to make classifications in its regulatory enactments, and unless clearly and patently arbitrary, oppressive and capricious on its face, such classification is not subject to judicial review. State ex rel. Attorney General v. Spann, 270 Ala. 396, 118 So.2d 740 (Ala.1959). Constitutional Law 70.1(5); Constitutional Law 208(1)

2. Constitutionality

Exemption provided in section is not unconstitutional as being arbitrary, oppressive and capricious. State ex rel. Attorney General v. Spann, 270 Ala. 396, 118 So.2d 740 (Ala.1959).

3. Construction

Provisions regulating professions of architecture and engineering are overlapping and, while attempting to distinguish practice of the two professions, have, by the wording of the statutes defining the practice of the two professions, created only distinctions without differences. *State By and Through State Bd. for Registration of Architects v. Jones*, 289 Ala. 353, 267 So.2d 427 (Ala.1972).

4. What work is incidental

What architectural work is permissible incidental to engineering, and vice versa, cannot be based on any percentage basis. *State By and Through State Bd. for Registration of Architects v. Jones*, 289 Ala. 353, 267 So.2d 427 (Ala.1972).

5. When services of architect are required

Services of a registered architect are required only where the erection, enlargement, or alteration of a building is involved. *Thornell v. Curry*, 494 So.2d 637 (Ala.Civ.App.1986).

Where in order for the owner to correct deficiencies he was required to reopen some doors and windows, post the maximum seating capacity at 73 and provide seating only up to that number, and repair the wood frame section, none of the corrections that needed to be made required the erection, enlargement, or alteration of a building. An order requiring the owner to secure the services of a registered architect to correct the lounge's deficiencies was unlawful. *Thornell v. Curry*, 494 So.2d 637 (Ala.Civ.App.1986).

§ 34-2-33. Registration; issuance of certificate; qualifications; renewal, etc. [Historical Notes](#) [References](#) [Annotations](#)

(a) The board shall receive applications for registration as an architect only on forms prescribed and furnished by the board.

Upon receipt of the application and the payment of a fee, as established by the board, the fee in no event exceeding two hundred dollars (\$200), the board shall promptly notify the applicant of examination requirements for certification.

The board may contract with an independent testing agency to prepare, grade, or conduct the examination. If the board determines the applicant requires examination, the applicant shall pay the actual cost of the examination directly to the board-authorized testing agency.

(b) The board may issue to an applicant without further examination, a certificate of registration as an architect, provided the applicant holds an unexpired certificate issued to him or her by the National Council of Architectural Registration Boards, hereinafter referred to as "NCARB."

(c) Either of the following facts established in the application shall be regarded as prima facie "evidence" satisfactory to the board that the applicant is fully qualified to be examined for certification:

(1) Graduation after a course of study of a length as the board shall by regulation determine from a school or college of architecture accredited by the National Architectural Accrediting Board, hereinafter referred to as "NAAB," and an additional period of practical experience in architectural work under the control and supervision of a registered architect or architects as the board by regulation shall deem appropriate.

(2) Acceptable combinations of education and apprenticeship as may be established by the board. Acceptable combinations of education and apprenticeship shall comply with the standards of education, training, and character as set forth in Appendix "A" in the 1983 NCARB Circular of Information Number 1. Applicants for examination who meet the aforementioned qualification shall submit notice of intent to sit for the examination before December 30, 1987, or 90 days after the passage of the amendatory act, whichever time period is longer. After that time, the only qualification for examination acceptable to the board shall be graduation from a NAAB accredited school or college and an additional period of practical experience.

Unless exempted, applicants shall take and pass the professional examination administered by the board or an independent testing agency approved by the board.

(d) In determining the sufficiency of the qualifications of the applicant for registration, a majority vote of the members of the board shall be required.

(e) Certificates for registration shall expire on the thirtieth day of September following their issuance or renewal and shall become invalid on that day unless renewed.

Certificates of registrants who are or may be in the armed forces of the United States shall not expire until the thirtieth day of September following the discharge or final separation of the registrant from the armed forces of the United States.

(f) Renewal may be effected at any time prior to or during the month of September by the payment of a fee established by the board not to exceed one hundred fifty dollars (\$150).

A penalty not to exceed the sum of seventy-five dollars (\$75) may be added to the renewal fee for failure to renew a certificate upon such terms and conditions as the board may by regulation determine. Failure to renew a certificate of registration by December 31 shall result in a lapse of registration.

(g) A registrant whose certificate of registration has lapsed may have it reinstated, if in compliance with other relevant requirements, by filing a renewal form and paying, in addition to the appropriate renewal fee and late penalty, a reinstatement fee of one hundred fifty dollars (\$150).

(h) There is hereby created, for renewal of certificate purposes, a status to be known as "emeritus status architect," which shall apply to architects who have been registered for 10 consecutive years or longer, and who are 65 years of age or older, and who have retired from active practice. The annual renewal of registration for emeritus status shall be renewed without payment of a fee. If an emeritus status architect subsequently wishes to practice, he may do so without penalty by proper application to the board. (Acts 1979, No. 79-676, p. 1198, § 4; Acts 1987, No. 87-544, p. 830, § 3; Acts 1991, No. 91-157, p. 201, § 3; Acts 1995, No. 95-281, p. 514, § 3; Act 99-159, p. 216, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1991 amendment, effective June 20, 1991, added the provision at the end of the first sentence of subsection (f).

The 1995 amendment, effective June 29, 1995, added the third paragraph to subsection (a); in subsection (c), added "Either of," in the introductory language, in subdivision (2), divided the former first sentence into the present first and second sentences by deleting "provided further that such" at the end of the present first sentence, and substituted "Unless exempted" for "Such" at the beginning of the second paragraph; substituted "qualifications of the applicant" for "applicant's qualifications" in subsection (d); in the second paragraph of subsection (e), substituted "the discharge" for "such registrant's discharge," and inserted "of the registrant"; in subsection (f), in the first paragraph divided the former first sentence into the present first through third sentences by deleting "said fees to" at the end of the present first sentence, by adding "Fees shall" to the beginning of the present second sentence, and by deleting "provided further, however, that" at the end of the present second sentence, and in the present second sentence substituted "by the board" for "in the discretion of the board" and inserted "in amounts"; redesignated former subsection (g) as present subsection (h); added present subsection (g); and made nonsubstantive changes.

The 1999 amendment, effective April 28, 1999, in the first undesignated subsection deleted "for residents and nonresidents," preceding "the fee", and substituted "(\$200)," for "(\$200) for residents and two hundred fifty dollars (\$250) for nonresidents,"; in the second undesignated subsection added the first sentence, and in the final sentence substituted "applicant shall pay" for "application fee shall apply to the cost of the examination fee, which shall in no event exceed" and substituted "directly to the board-authorized testing agency" for "as purchased and administered by the board"; in subsections (b) inserted "or her"; in subsection (c), in subdivision (2) substituted "shall submit" for "must submit" and substituted "board shall" for "board will"; in the third undesignated subsection substituted "shall" for "must", and inserted "or an independent testing agency approved by the board"; in subsection (f) substituted "established by the board not to exceed one hundred fifty dollars (\$150)" for "for bona fide residents of the State of Alabama and by the payment of a fee for nonresidents of the State of Alabama", and deleted the second and third sentences; in the fifth undesignated subsection added the final sentence; and in subsection (g) deleted "one hundred dollars (\$100) for residents and" following "fee of", and deleted "for nonresidents" following "(\$150)".

REFERENCES

ADMINISTRATIVE CODE

- 1 Ala. Admin. Code 100-X-2-.03, Board for Registration of Architects; Operation of the Board: Certificates of Registration.
- 1 Ala. Admin. Code 100-X-2-.04, Board for Registration of Architects; Operation of the Board: Renewal of Registration.
- 1 Ala. Admin. Code 100-X-2-.11, Board for Registration of Architects; Operation of the Board: Intern Development Program.
- 1 Ala. Admin. Code 100-X-2-.15, Board for Registration of Architects; Operation of the Board: Fee Schedule.

LIBRARY REFERENCES

American Digest System:

Licenses 20, 22, 24.

Corpus Juris Secundum:

C.J.S. Architects §§ 4, 7, 9; Licenses §§ 37, 39-41, 43.

ANNOTATIONS

CASENOTES

Cited in *Munger v. State Bd. for Registration of Architects*, 607 So.2d 280 (Ala.Civ.App.1992).

§ 34-2-34. Refusal, revocation or suspension of certificate; grounds; hearing; appeal.

Historical Notes References Annotations

The board shall have the following disciplinary powers:

- (1) To issue reprimands to any licensee who violates any provision of this chapter or the rules and regulations of the board;
- (2) To levy administrative fines for serious violations of this chapter or the rules and regulations of the board of not more than \$5,000 for each day the violation continues, but in no event shall an administrative fine exceed \$25,000 total per violation; or
- (3) To refuse to issue a certificate, to suspend a certificate for a definite period or to revoke the certificate of registration of an architect who is found guilty of:
 - a. Any fraud or deceit in obtaining a certificate of registration as determined by the board at a hearing; or
 - b. Gross negligence, incompetency or misconduct in the practice of architecture as determined by the board at a hearing; or
 - c. A felony or misdemeanor involving moral turpitude by a court of competent jurisdiction; or
 - d. Practicing architecture in this state in violation of the standards of professional conduct established by the board; or
 - e. Practicing architecture in this or any other state or country in violation of the laws of that state or country; or
 - f. Aiding or abetting any individual, partnership or corporation to engage in the practice of architecture in violation of any provisions of law.

Pursuant to this subdivision (3), notice of the nature of the charges placed against an architect and the time and place of hearing these charges by the board must be sent to the accused by registered mail, with return receipt requested, and addressed to his last known place of business, or residence, not less than 10 days before the date fixed for such hearing. Said notice shall inform the individual that he is entitled to be represented by counsel of his choosing at the hearing, to have witnesses testify in his behalf at the hearing, to confront and cross-examine witnesses at the hearing and to testify in his own behalf at the hearing.

In all cases of reprimand, administrative fine, refusal, suspension or revocation of a certificate of

registration, or any other disciplinary action of the board, the accused may appeal to the Circuit Court of Montgomery County, Alabama. Either party, the accused or the board, has the right to appeal from the final decree of the circuit court as provided by law.
(Acts 1979, No. 79-676, p. 1198, § 5; Acts 1991, No. 91-157, p. 201, § 3; Acts 1993, No. 93-614, p. 1006, § 1(10).)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1991 amendment, effective June 20, 1991, added the introductory language, added the subdivision designations; added subdivision (1) and (2); added "Pursuant to this subdivision (3)," at the beginning of the last undesignated paragraph of subdivision (3); and, in the first sentence of subdivision (7), inserted "reprimand, administrative fine," substituted "a certificate" for "his certificate," and inserted "or any other disciplinary action of the board."

REFERENCES

ADMINISTRATIVE CODE

1 Ala. Admin. Code 100-X-2-.08, Board for Registration of Architects; Operation of the Board: Violations and Investigations.

LIBRARY REFERENCES

American Digest System:

Licenses 20, 38.

Corpus Juris Secundum:

C.J.S. Agriculture §§ 4.5; Architects §§ 4, 7, 10; Licenses §§ 39-41, 48, 50-63.

ANNOTATIONS

CASENOTES

Generally 1 enter p

1. Generally

Mandatory venue provision only applicable in limited instance where appeal follows a finding by board that applicant is guilty of one of the six offenses enumerated in the first paragraph of this section involving some form of misconduct or wrongdoing by the architect, thus, applicant appealing certification denial because of low test score is not bound to bring action in Montgomery County. Ex parte State Bd. for Registration of Architects, 574 So.2d 53 (Ala.Civ.App.1990).

§ 34-2-35. Seal of registrant; purpose; certificate of authorization for partnerships or corporations; violations. [References](#)

(a) Each registrant must obtain a seal of a design authorized by the board bearing the registrant's name, the legend "Registered Architect(s)," the words "State of Alabama" and the registrant's license registration number.

(b) Partnerships or corporations performing architectural services in this state must be issued annually a certificate of authorization to practice architecture by the board, and must submit an application and a fee not to exceed \$100.00 for a certificate of authorization. Certificates shall be valid from January 1 through December 31 of the year issued. Renewal fees shall not exceed \$100.00. Disciplinary action for

corporations or partnerships shall be the same as for registered architects. The board retains the initial fee deposited as an application fee if a certificate of registration or authorization is denied an applicant.

The corporation or partnership shall be responsible for the acts of its agents, employees or officers. Also, a certificate of authorization shall be required for corporations or partnerships which operate under an assumed name which does not include the proper names of any registered architects within the firm. Any architect who files articles of incorporation or any corporation which files an amendment to its articles of incorporation must file a copy of the articles of incorporation or the amendment with the board simultaneously with or within 30 days of filing same with the probate judge of the county of incorporation.

(c) Nothing in this chapter shall prevent a registered architect from being employed by a person, firm, partnership, corporation or professional corporation.

(d) Plans, specifications, plates and reports, and all documents prepared by an architect which are issued by a registrant must be stamped with the seal during the life of a registrant's certificate.

It shall be unlawful for anyone to stamp or seal any document with said seal after the certificate or the registrant named thereon has expired or been revoked.

It shall be unlawful for an architect or any other individual to stamp, to cause to be stamped or to allow to be stamped any document or documents which were not prepared under the supervision and control of the registered architect whose stamp is to be affixed thereon.

(e) On or after July 22, 1987, it shall be unlawful: (1) to practice architecture in a branch office not under the day-to-day supervision of a registered architect, or (2) for an architect to falsely represent himself as being in responsible charge of architectural work or to permit his seal, or facsimile thereof, to be used by another for any purpose. Violations shall be penalized as provided in Section 34-2-36 hereof. (Acts 1979, No. 79-676, p. 1198, § 6; Acts 1987, No. 87-544, p. 830, § 3.)

REFERENCES

ADMINISTRATIVE CODE

1 Ala. Admin. Code 100-X-2-.15, Board for Registration of Architects; Operation of the Board: Fee Schedule.

LIBRARY REFERENCES

American Digest System:

Licenses 25.

Corpus Juris Secundum:

C.J.S. Agriculture §§ 4.5; Licenses §§ 41, 45-46.

§ 34-2-36. Penalties; injunction. [Historical Notes](#) [References](#)

On or after April 28, 1999, any person who knowingly, willfully, or intentionally violates any provision of this chapter shall be guilty of a Class A misdemeanor. Each day of violation shall constitute a distinct and separate offense.

When it appears to the board that any person is violating any of the provisions of this chapter, the board may in its own name bring an action in the circuit court for an injunction, and said court may enjoin any person from violating this chapter regardless of whether the proceedings have been or may be instituted before the board or whether criminal proceedings have been or may be instituted.

(Acts 1979, No. 79-676, p. 1198, § 7; Act 99-159, p. 216, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1999 amendment, effective April 28, 1999, in the first undesignated subsection substituted "April 28, 1999" for "July 30, 1979", inserted a comma after "willfully", substituted "Class A misdemeanor" for "misdemeanor and shall be fined not less than \$100.00 nor more than \$5,000.00", and deleted "such" preceding "violation".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Injunction 89(5); Licenses 40.

Corpus Juris Secundum:

C.J.S. Agriculture §§ 4.5; Architects §§ 3, 5, 7, 12-15; Injunctions §§ 133-135; Licenses §§ 82-83; Trading Stamps and Coupons §§ 6.

RESEARCH REFERENCES

Encyclopedias

58 Am. Jur. Proof of Facts 3d 1, Architect's Liability for Failure to Meet Foreign State's Licensing Requirements.

§ 34-2-37. Practice of architecture by corporations or partnerships; foreign corporations. [References](#)

It shall be lawful for a corporation, a professional corporation or a professional association to practice architecture in this state provided that all officers and voting stockholders are architects or professional engineers registered under the laws of Alabama. Practice of said corporation, professional corporation or professional association shall be under the direct control of an officer who is a duly registered architect in this state and whose name shall appear on all documents of said corporation, professional corporation or professional association in its practice of architecture.

The name of such corporation, professional corporation or professional association shall not contain the names of former partners who, by virtue of death, retirement or resignation, are no longer active participants in the practice of architecture. Upon the death, retirement or resignation of any named partner, the name of the corporation, professional corporation or professional association shall be renamed within two years in accordance with the provisions of this section.

Nothing herein contained shall apply to a corporation, professional corporation or professional association legally practicing architecture in this state on September 7, 1967.

It shall be lawful for a partnership composed of architects and professional engineers registered under the laws of this state to practice architecture. Said partnership must include at least one architect. The practice of said partnership shall be under the direct control of a partner who is a duly registered architect in this state and whose name shall appear on all documents of said partnership in its practice of architecture.

The name of such partnership shall not contain the name of a former partner who, by virtue of death, retirement or resignation, is no longer an active participant in the practice of architecture. Upon the death, retirement or resignation of a partner, said partner's name shall be removed from the name of the partnership within two years in accordance with the provisions of this section.

Foreign corporations who do not otherwise comply with the provisions of this chapter shall not practice architecture in the State of Alabama. However, an individual licensed to practice pursuant to this chapter who is a member of a foreign corporation shall be allowed to practice in the State of Alabama so long as he does so in his individual name.

(Acts 1979, No. 79-676, p. 1198, § 8.)

REFERENCES

ADMINISTRATIVE CODE

12 Ala. Admin. Code 485-X-8-.01 et seq., Board of Registration for Interior Designers; Practice Requirements.

LIBRARY REFERENCES

American Digest System:

Associations 1; Corporations 14(1).

Corpus Juris Secundum:

C.J.S. Associations §§ 2-3, 8; Corporations §§ 28-29.

RESEARCH REFERENCES

§ 34-2-38. Board of Registration for Architects -- Creation; composition. [Historical Notes](#)

[References](#)

To carry out the provisions of this chapter, there shall be a State Board for Registration of Architects, consisting of six members, each of whom shall be appointed by the Governor from a list of three persons selected as follows:

(1) All appointments as members of the board shall be architects registered and licensed pursuant to this chapter. The board shall be appointed from the following districts: One from the northern district, two from the north central district, two from the central district, and one from the southern district. The northern district shall be comprised of the Counties of Colbert, Cullman, DeKalb, Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, and Winston; the north central district shall be comprised of the Counties of Bibb, Blount, Calhoun, Cherokee, Clay, Cleburne, Etowah, Fayette, Greene, Hale, Jefferson, Lamar, Pickens, Randolph, Shelby, St. Clair, Sumter, Talladega, Tuscaloosa, and Walker; the central district shall be comprised of the Counties of Autauga, Barbour, Bullock, Butler, Chambers, Chilton, Coffee, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Geneva, Henry, Houston, Lee, Lowndes, Macon, Marengo, Montgomery, Perry, Pike, Russell, Tallapoosa, and Wilcox; and the southern district shall be comprised of the Counties of Baldwin, Choctaw, Clarke, Conecuh, Escambia, Mobile, Monroe, and Washington.

(2) Thirty days before the expiration of a board member's term, or for filling a vacancy otherwise occurring, a nominating committee of six members shall be selected by secret ballot from the district entitled to fill the vacancy. The nominating committee shall be elected at a meeting in the district called by the secretary of the board, who shall give notice in writing of the time and place of the called meeting to each architect in the district at least 30 days in advance of the date set for the meeting. Those architects present at the called meeting may vote on the membership of the nominating committee. After the selection of the nominating committee from the district where the vacancy occurs, there shall be a meeting of the committee with the board at the same place within five days to select, by secret ballot, the names of three persons to be sent to the Governor by the secretary of the board. The Governor shall appoint one of the named persons to the board. In appointing members to the board, the Governor shall select those persons whose appointments, to the extent possible, ensure that the membership of the board is inclusive and reflects the racial, gender, geographic, urban/rural, and economic diversity of the state.

(3) The term of office of the members of the board shall be four years and until their successors are appointed and qualified.

(4) A member shall reside and have his or her principal office in the district from which appointed. A member's place on the board shall become vacant if the member removes either his or her residence or principal office from that district.

(Acts 1979, No. 79-676, p. 1198, § 9; Act 2003-139, p. 437, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 2003 amendment, effective June 13, 2003, deleted "hereinafter referred to as the board," following "Architects," substituted "follows:" for "hereinafter provided.", designated subdivisions (1)-(4), in subdivision (1) substituted "pursuant to this chapter. The" for "under the provisions of this chapter, and said", in subdivision (2) substituted "before" for "prior to", deleted "there shall be" following "occurring", inserted "shall be", substituted ". The nominating committee shall be elected" for a comma, substituted "the meeting. Those architects present at the called meeting may vote on the membership of the nominating" for "said meeting and vote on the members to be placed on the", substituted "persons to" for

"persons which shall", deleted "thereupon" preceding "appoint", inserted "named" and added the final sentence, in subdivision (3) substituted "are" for "shall have been duly", and in subdivision (4) substituted "shall reside" for "must reside", inserted "or her" in two places and substituted ". A member's place on the board shall become vacant if the member removes" for ", and his place will become vacant if he should remove".

Code Commissioner's Notes

Section 2 of Acts 1987, No. 87-544 provides: "The existence and functioning of the Board for Registration of Architects, created pursuant to Section 34-2-38 specifically and Sections 34-2-30 through 34-2-42 generally, Code of Alabama 1975, are hereby continued, and such code sections are hereby expressly continued."

Acts 1991, No. 91-157, § 2 provides: "The existence of the board for registration of architects, created and functioning pursuant to Sections 34-2-30 through 34-2-42 of the Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved."

Acts 1995, No. 95-281, § 2 provides: "The existence and functioning of the Board for Registration of Architects, created and functioning pursuant to Sections 34-2-30 to 34-2-42, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

Act 99-159, § 2 provides: "The existence and functioning of the Board for the Registration of Architects, created and functioning pursuant to Sections 34-2-30 to 34-2-42, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

Act 2003-139, § 2 provides: "The existence and functioning of the State Board for Registration of Architects, created and functioning pursuant to Sections 34-2-30 to 34-2-42, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

REFERENCES

ADMINISTRATIVE CODE

1 Ala. Admin. Code 100-X-2-.13, Board for Registration of Architects; Operation of the Board: Code of Professional Conduct.

LIBRARY REFERENCES

American Digest System:

States 44-51.

Corpus Juris Secundum:

C.J.S. States §§ 61, 79-80, 82-85, 87, 91-92, 102-103, 123, 136.

§ 34-2-39. Board for Registration of Architects -- Certificates; powers and duties; seals; bylaws; rules and regulations. [Historical Notes](#) [References](#)

(a) Each member of the board shall receive a certificate of appointment from the Governor. Before beginning his term of office, each member of the board shall file with the Secretary of State the constitutional oath of office.

(b) The board, or any committee thereof, shall be entitled to the services of the Attorney General in connection with the affairs of the board, and the board shall have the power to compel attendance of witnesses, to require production of documents, to administer oaths and to take testimony and proof concerning all matters within its jurisdiction.

(c) The board shall adopt and have an official seal which shall be affixed to all certificates of registration granted.

(d) The board shall have power and authority to make and adopt bylaws, rules and regulations consistent with the provisions of this chapter and pursuant to the state administrative procedure law in order to comply with the provisions of this chapter and to establish standards of professional conduct of architects.

(e) The board shall adopt a program of continuing education not later than October 1, 1993, in order to

insure that all registered architects remain informed of those technical and professional subjects which the board deems appropriate to professional architectural practice. The board may by regulation describe the methods by which the requirements of such program may be satisfied. Failure to meet such requirements of continuing education shall result in nonrenewal of an architect's certificate of registration. (Acts 1979, No. 79-676, p. 1198, § 10; Acts 1991, No. 91-157, p. 201, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1991 amendment, effective June 20, 1991, added the subsection designations; in subsection (d) inserted "the provisions of this chapter and pursuant to the state administrative procedure" and "in order"; and, in subsection (e) substituted the present language preceding "to insure" for "The board may adopt regulations setting minimum standards of continuing education," and divided the former second sentence into the present second and third sentences.

REFERENCES

ADMINISTRATIVE CODE

- 1 Ala. Admin. Code 100-X-2-.03, Board for Registration of Architects; Operation of the Board: Certificates of Registration.
- 1 Ala. Admin. Code 100-X-2-.11, Board for Registration of Architects; Operation of the Board: Intern Development Program.
- 1 Ala. Admin. Code 100-X-2-.13, Board for Registration of Architects; Operation of the Board: Code of Professional Conduct.
- 1 Ala. Admin. Code 100-X-2-.17, Board for Registration of Architects; Operation of the Board: Continuing Education.
- 1 Ala. Admin. Code 100-X-2-.18, Board for Registration of Architects; Operation of the Board: Incidental Practice of Engineering.

LIBRARY REFERENCES

American Digest System:

States 68, 73.

Corpus Juris Secundum:

C.J.S. States §§ 120, 130-136, 139-140.

§ 34-2-40. Board for Registration of Architects -- Meetings; officers; employees; compensation; quorum. [Historical Notes](#) [References](#)

(a) The board shall hold at least four regular meetings each year.

(b) The board shall elect annually a chairman and vice chairman who must be members of said board, and a secretary, who may or may not be a licensee of said board. The board may, with the approval of the Governor, employ clerks, experts, attorneys and others, as may be necessary in the carrying out of the provisions of this chapter.

(c) The board shall have the power, with the approval of the Governor, to fix the compensation of the secretary and other employees.

(d) A quorum of the board shall consist of not less than a majority of the duly appointed board members.

(Acts 1979, No. 79-676, p. 1198, § 11; Acts 1987, No. 87-544, p. 830, § 3; Acts 1991, No. 91-157, p. 201, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1991 amendment, effective June 20, 1991, added the subsection designations and substituted "licensee" for "member" in the first sentence of subsection (b).

REFERENCES

LIBRARY REFERENCES

American Digest System:

States 56.

Corpus Juris Secundum:

C.J.S. States §§ 61, 104-107.

§ 34-2-41. Fund created; receipts and disbursements; compensation of members; expenses; bond of chairman and secretary. [References](#)

The secretary of the board shall receive and account for all moneys derived from the operation of this chapter. Such moneys shall be certified into the Treasury in a fund to be known as the "Fund of the Board for the Registration of Architects." Such fund shall be drawn against only for the purposes of this chapter.

The fiscal year shall commence on the first day of October and end on the thirtieth day of September.

Each member of the board shall receive a per diem as recommended by the board consistent with applicable state laws for attending sessions of the board or its committee, and for the time spent in necessary travel to attend meetings of said board or its committee. In addition, each member of the board shall be reimbursed for traveling and clerical expenses incurred in carrying out the provisions of this chapter.

Expenses certified by the board as properly and necessarily incurred in the discharge of its duties, including, but limited to, authorized compensations, additional legal services, experts, clerks, office rent and supplies, shall be paid out of said fund on the warrant of the Comptroller of the state. Such warrant shall be issued on requisitions signed by the chairman and secretary of the board. At no time in any fiscal year shall the total amount of warrants issued exceed the total amount of moneys accumulated in this fund.

The board may make donations from its surplus funds to any state educational institution which has an accredited school of architecture for assistance in promoting education and research programs in architecture.

The chairman and the secretary of the board shall give a surety bond in an amount no less than the previous year's budget payable to the State of Alabama and conditioned upon the faithful performance of their duties under this chapter. The premium of said bond shall be paid out of the moneys in the "Fund of the Board for the Registration of Architects."

(Acts 1979, No. 79-676, p. 1198, § 12.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

States 48, 127.

Corpus Juris Secundum:

C.J.S. States §§ 61, 83, 91, 228.

§ 34-2-42. Annual report to Governor. [References](#)

On or before January 1 of each year, the board shall submit to the Governor a report of its transactions for the preceding fiscal year, together with a complete statement of receipts and disbursements of the board for its last fiscal year, certified by the chairman and the secretary, and a copy of the said roster of registered architects.

(Acts 1979, No. 79-676, p. 1198, § 13; Acts 1982, No. 82-147, p. 175, § 4.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

States 73.

Corpus Juris Secundum:

C.J.S. States §§ 130-136, 140.

Interior Design Examination Committee Law

(INTERIOR DESIGN LICENSING LAW)

§ 34-15B-7. Authorization and seal; examination committee. [Historical Notes](#) [References](#)

(a) Applications for registered interior designer authorization from the board may be submitted only on forms prescribed and approved by the board. The board shall promptly notify the applicant of the requirements for receipt of registered interior designer status and the schedule of fees established by the board for receipt of a completed application.

(b) The board shall approve individuals as registered interior designers, issue the design of an official seal indicating the same, and authorize the individuals to use the title of registered interior designer only if the applicant is determined by the board to have met each of the following qualifications:

(1) The applicant shall hold a valid certificate of registration prior to the submission of an application for registered interior designer status and the applicant must meet all qualifications required to receive and maintain a valid certificate of registration.

(2) The applicant shall be a graduate of an accredited interior design program of four years or more at a college or university approved by the board based on standards established by the NCIDQ and FIDER criteria or their equivalent.

(3) The applicant has successfully passed the sealed level examination.

(c)(1) One hundred eighty days after August 1, 2001, an examination committee shall be named and established as provided herein to develop the sealed level examination to be given to persons seeking authorization as a registered interior designer. The examination committee shall be composed of the following persons: Three members shall be appointed by the board; three members shall be appointed by the Alabama State Board of Registration for Architects; two members shall be registered professional engineers, one of whom shall be appointed by the board and one of whom shall be appointed by the Alabama State Board of Registration for Architects; one member shall be a code official appointed by the Code Officials Association of Alabama; and one member shall be a representative from NCIDQ who shall be a nonvoting ex officio member and who shall act in an advisory capacity to norm the examination and be an observer only to the content and selection of test questions. In addition, there shall be another nonvoting ex officio member, the Chair of the Senate Committee on Rules, who shall also be the initial chair of the committee and shall serve as a nonvoting moderator. After the initial chair no longer serves as Chair of the Senate Committee on Rules, the chair shall be selected by a majority vote of the Alabama Senate from its membership. Such selection shall be made quadrennially.

(2) Once members of the examination committee are initially appointed, they shall serve at the pleasure of the appointing authority. Any member of the examination committee who is replaced shall be replaced by a person from the same profession or category, and shall be selected as designated above and submitted by the relevant entity. The examination committee shall adjourn after the board accepts a final version of the sealed level examination, but the committee may be recalled by the board from time to time as the board may require. The examination shall be updated, at a minimum, every three years to be applicable to current codes and practices.

(3) The members of the examination committee shall be notified by the chair of the committee of a meeting of the examination committee to be held within 210 days of August 1, 2001. The presence of a simple majority of the appointees to the examination committee shall constitute a quorum to conduct business. The chair shall moderate all meetings of the examination committee and shall establish the dates for meetings. The committee shall proceed according to Robert's Rules of Order, as most recently revised.

(d) To develop the sealed level examination, the examination committee shall work with: (1) The NCIDQ and its nationally recognized testing service which specializes or has experience in certification and licensure examinations in the interior design profession; or (2) any other board approved entity with experience in administration of examinations in the interior design profession, and any other board approved, nationally recognized testing service which specializes or has experience in certification and licensure examinations in the interior design profession. The examination committee shall submit to the board a preliminary report on their activities within 30 days after their first meeting, and shall submit a final version of the sealed level examination, and

other information as may be requested by the board, within time frames as may be mandated by the board. The board shall accept the final version of the sealed level examination presented by the examination committee after the final version of the sealed level examination is validated by the NCIDQ or the other board approved entity with experience in administration of examinations in the interior design profession. No sealed level examination may be given to applicants for registered interior designer authorization unless the examination is approved by the board. In the event that no examination receives a majority vote of the examination committee, a report stating that fact as well as a full explanation of the areas of disagreement shall be submitted by the committee to mediation to assist in reconciling all points of disagreement among the examination committee members. A mediator shall be chosen from a list of names on the mediator's list of the Alabama State Bar Association in the following manner: (1) The architect members of the committee shall select one mediator; (2) the interior design members of the committee shall select one mediator; the final one mediator, who shall perform the mediation, shall be selected by the two mediators chosen pursuant to subdivision (1) and subdivision (2) herein. Upon reconciliation of the areas of disagreement, the examination shall be affirmed by the committee and submitted to the board.

(e) Those applicants found qualified by the board for registered interior design status shall be granted the design of a seal and official authorization containing the full name of the applicant, the date and term of issuance, the seal of the board, and the signature of the chair of the board. Every seal and authorization issued by the board shall be maintained in the possession of the individual to whom it is issued and the authorization shall be posted in the business office where he or she practices.

(f) Seals and authorizations for registered interior design status shall expire and become invalid on the 30th day of September following their issuance or renewal, unless renewed in accordance with this chapter. Seals and authorizations for registered interior design status issued to an individual who is in the armed forces of the United States shall not expire until the 30th day of September following the individual's discharge from the armed forces of the United States. Renewal may be accomplished at any time prior to and during the month of September by the payment of an annual fee, as prescribed by the board, through procedures as may be developed by the board.

(g) Any individual registered or licensed to practice interior design in any state of the United States, other than the State of Alabama, who has successfully passed the sealed level examination or equivalent examination, accepted and approved by the board, may apply for registered interior designer status which shall be issued if the individual otherwise complies with the requirements imposed on all applicants for registered interior design status.

(Act 2001-660, p. 1365, § 7.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective August 1, 2001.

REFERENCES

ADMINISTRATIVE CODE

12 Ala. Admin. Code 485-X-5-.01 et seq., Board of Registration for Interior Designers; Examination and Registration.

LIBRARY REFERENCES

American Digest System:

Licenses 20, 22.

Corpus Juris Secundum:

C.J.S. Architects §§ 4, 7, 9; Licenses §§ 39-41, 43.

Smart Budgeting Documents

State of Alabama EBO Form No. 4b		BOARD FOR REGISTRATION OF ARCHITECTS FY 2005-2006 SMART OPERATIONS PLAN		Agency: 303		Page 1
			ACTUAL	BUDGET	BUDGET	
			FY04	FY05	FY06	
	653 Professional & Occupational Licensing & Regulation		291.2	398.5	403.2	
	0465 Licensing and Regulation of Architects					
MISSION	To examine, register and regulate architects in Alabama in the State of Alabama (Code of Ala. Sec. 34-2-30); Governor's Priorities #1, #5					
VISION (opt)	The public will understand the necessity for and value of an architect.					
VALUES (opt)	Consistent interpretation and application of agency statutes and regulations. Commitment to public protection Competence in delivery of architectural services					
GOAL(S)	Consumer confidence in selection of qualified professionals To ensure only qualified and competent people enter the profession To provide high level of customer service to stakeholders To minimize illegal practices among registrants To improve relationships with schools of architecture, affiliated professions and other org To educate the public on when an architect is required for building projects. To promote architectural internship and registration.					
WORKLOAD	Number of licensees will remain fairly stable.	# licensees	2361	2220	2220	
	Number of complaints will remain stable.	# complaints	16	15	15	
	Number of new exam applicants will remain stable.	# applicants	23	30	30	
CRITICAL ISSUES						
Internal	Loss of trained staff due to retirement (clerical position and investigator). "Seasoned" board members provide mentorship to newer board members.					
External	Resolve issues related to overlap of practice with other design professions.					
OBJECTIVES						
Spending	Maintain services and stay within appropriated budget.	(\$ in thousands)	291.2	398.5	403.2	
Staffing	Maintain current staffing levels.	FTE	2.0	2.0	2.0	
Efficiency	Cost per licensee will increase less than 5% per year	Budget \$ / licensee	\$123.34	\$179.50	\$181.62	
Quality	Shorten complaint resolution time by 10 days	Avg # days	160	150	140	
	Exam applications and renewals processed within one week		—	90.00%	95.00%	
	Reciprocal and license reinstatements processed within two weeks		—	90.00%	95.00%	
STRATEGIES	1. Increase communication through web site, e-mail, newsletters, and public speaking opportunities. 2. Ensure hardware, software, and licensing applications are adequate; update as necessary. 3. Educate building officials with respect to laws governing the practice of architecture. 4. Increase interaction with allied professions, organizations, and schools of architecture.					

Smart Quarterly Performance Report													
Fiscal Year: 2006													
Agency: 303 Architects, Board of Registration for													
Org:													
Program: 653 PRO AND OCCU LICENSING AND REG													
Activity: 6465 LICENSING & REGULATION OF ARCH													
Performance Measures													
Workload/Cost Factor		Performance Indicator	First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual		
			Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	
WC1: Number of licenses will remain fairly stable.		# renewals	1,900	2,257	100	95	100	0	100	0	2,200	0	
WC2: Number of complaints will remain stable.		# complaints	4	10	4	6	4	0	3	0	15	0	
WC3: Number of new exam applicants will remain stable.		# applicants	8	5	8	7	8	0	6	0	30	0	
Spending		Performance Indicator	First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual		
			Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	
SP1: Maintain services and stay within appropriated budget.		\$	145,870	54,374	80,830	74,010	92,590	0	83,910	0	403,200	0	
Staffing		Performance Indicator	First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual		
			Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	
ST1: Maintain current staffing levels		FTE	2	2	2	2	2	0	2	0	2	0	
Efficiency		Performance Indicator	First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual		
			Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	
EF1: Cost per licensee will increase less than 5% per year		Budget \$ per licensee	0	0	0	0	0	0	0	0	181.82	0	
Quality		Performance Indicator	First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual		
			Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	
QU1: Shorten complaint resolution time by 10 days		Avg # days	0	0	0	0	0	8	0	0	140	0	
QU2: Exam applications and renewals processed within one week		Avg # days	0	0	0	0	0	0	0	0	0.95	0	
QU3: Reciprocal and reinstatements processed within two weeks		Avg # days	0	0	0	0	0	0	0	0	0.95	0	
Item # Notes													
EF1- Annual projection provided.													
QU1- Annual projection provided.													
QU2- Annual projection provided.													
QU3- Annual projection provided.													

Board Members



STATE OF ALABAMA BOARD FOR REGISTRATION OF ARCHITECTS

770 WASHINGTON AVENUE
<http://www.boa.state.al.us>

MONTGOMERY, AL 36130-4450 (334) 242-4179
FAX: (334) 242-4531

March 29, 2006

Mr. Calvin Cooper
Examiners of Public Accounts
50 North Ripley Street, #3201
Montgomery, AL 36130-2101

Dear Mr. Cooper:

A list of current Board members is provided below:

Joseph L. Bynum, Vice Chair
The Ritchie Organization
2200 Lakeshore Drive, #200
Birmingham, AL 35209
Term: 12/15/2002 - 12/14/2006

Kristine A. Harding
JH Partners
104 Jefferson Street
Huntsville, AL 35801
Term: 8/5/2004 - 7/17/2008

Charles E. Penuel
Birchfield Penuel & Associates
2805 Crescent Avenue, #200
Birmingham, AL 35209
Term: 7/18/2004 - 7/17/2008

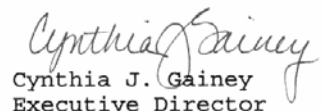
Carswell M. Walcott
Walcott Adams Verneuille
One South School Street
Fairhope, AL 36532
Term: 7/18/2004 - 7/17/2008

Renis O. Jones, Jr., Chair
PH&J Architects, Inc.
P.O. Box 215
Montgomery, AL 36101
Term: 7/18/2003 - 7/17/2007

Jim H. Seay, Jr.
Seay, Seay & Litchfield
1115 South Court Street
Montgomery, AL 36104
Term: 1/3/2003 - 1/3/2007

Should you require additional information, please let me know.

Yours very truly,


Cynthia J. Gainey
Executive Director

• JOSEPH L. BYNUM
• KRISTINE A. HARDING

• RENIS O. JONES, JR.
• CHARLES E. PENUEL

• JIM H. SEAY, JR.
• CARSWELL M. WALCOTT

• CYNTHIA J. GAINES, EXECUTIVE DIRECTOR

MEMBER NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS